

Rec'd PCT/PTO 21 AUG 2003 #5

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August 19, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Zahir Saidi and Boris Klyashchitsky
U.S. Application No. 10/019,100
National Stage Entry Filed December 20, 2001
PCT Application No. PCT/US99/14351
International Filing Date June 24, 1999
Priority Date June 26, 1998

Examiner NYA
Group No. NYA

Aqueous Compositions Containing
Corticosteroids for Nasal and Pulmonary Delivery

(Attorney Docket No. P24,800-A USA)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop PCT; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on August 19, 2003.

8/19/03
Date

Christopher P. Dahling
Christopher P. Dahling

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Reply to Notification of Missing Requirements
Under 35 U.S.C. § 371 Dated January 24, 2003

Sir:

In reply to the "Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US)," dated January 24,

U.S. Application No. 10/019,100
International Application No. PCT/US99/14351

August 19, 2003
S&L File No. P24,800-A USA

2003, enclosed herewith are the following documents and a check in the amount of \$2100 for payment of the fees under 37 C.F.R. §§ 1.116(e) and 1.17(a)(5):

- (A) a Declaration and Power of Attorney for Patent Application, executed by Zahir Saidi on July 31, 2003;
- (B) a Declaration and Power of Attorney for Patent Application, executed by Boris Klyashchitsky on August 1, 2003;
- (C) a copy of the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", dated January 24, 2003; and
- (D) a Petition for Extension of Time Under 37 C.F.R. § 1.136(a).

Please charge any deficiency in fees or credit any over payment associated with this Communication to Deposit Account No. 19-5425.

Applicants respectfully request that the application be examined and that an early and favorable action be issued in this case.

Respectfully submitted,

8/19/03
Date

Christopher P. Dahling
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CPD
Enclosures

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COPY

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PC1
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/019,100	Zahir Saidi	P24,800-A USA

Aleixs Barron
Synnestvedt & Lechner
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107 -2950

ENTERED COMPUTER

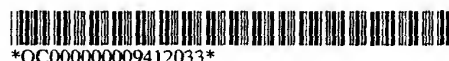
3-24-03

Drop dead date is
8/24/03

INTERNATIONAL APPLICATION NO.	
PCT/US99/14351	
I.A. FILING DATE	PRIORITY DATE
06/24/1999	06/26/1998

CONFIRMATION NO. 8648

371 FORMALITIES LETTER



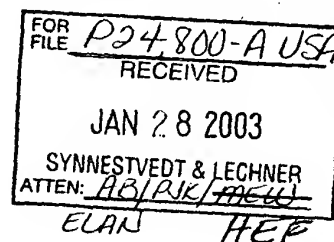
OC00000009412033

Date Mailed: 01/24/2003

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

SHAKEEL AHMED

Telephone: (703) 305-3659

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/019,100	PCT/US99/14351	P24,800-A USA

FORM PCT/DO/EO/905 (371 Formalities Notice)

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) P24,800-A-USA
<div style="border: 1px solid black; padding: 2px; margin: 2px 0;">In re Application of Zahir Saidi and Boris Klyaschitsky</div> <div style="display: flex; justify-content: space-between; border: 1px solid black; padding: 2px; margin: 2px 0;"><div>Application Number 10/019,100</div><div>Filed June 24, 1999</div></div> <div style="border: 1px solid black; padding: 2px; margin: 2px 0;">For Aqueous Compositions Containing Corticosteroids for Nasal and Pulmonary Delivery</div> <div style="display: flex; justify-content: space-between; border: 1px solid black; padding: 2px; margin: 2px 0;"><div>Group Art Unit NYA</div><div>Examiner NYA</div></div>		
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows (check time period desired):</p> <div style="display: flex; justify-content: flex-end; margin-top: 10px;"><div style="text-align: right; margin-right: 20px;">\$</div><div style="border-bottom: 1px solid black; width: 100px;"></div></div> <div style="display: flex; justify-content: flex-end; margin-top: 10px;"><div style="text-align: right; margin-right: 20px;">\$</div><div style="border-bottom: 1px solid black; width: 100px;"></div></div> <div style="display: flex; justify-content: flex-end; margin-top: 10px;"><div style="text-align: right; margin-right: 20px;">\$</div><div style="border-bottom: 1px solid black; width: 100px;"></div></div> <div style="display: flex; justify-content: flex-end; margin-top: 10px;"><div style="text-align: right; margin-right: 20px;">\$</div><div style="border-bottom: 1px solid black; width: 100px;"></div></div> <div style="display: flex; justify-content: flex-end; margin-top: 10px;"><div style="text-align: right; margin-right: 20px;">\$</div><div style="border-bottom: 1px solid black; width: 100px; text-align: right;">1,970</div></div> <div style="margin-top: 20px;"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____</div> <div style="margin-top: 5px;"><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</div> <div style="margin-top: 5px;"><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</div> <div style="margin-top: 5px;"><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</div> <div style="margin-top: 5px;"><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>19-5425</u>.</div> <div style="margin-top: 5px;">I have enclosed a duplicate copy of this sheet.</div> <div style="margin-top: 20px;">I am the <input type="checkbox"/> applicant/inventor</div> <div style="margin-left: 40px; margin-top: 5px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).</div> <div style="margin-left: 40px; margin-top: 5px;"><input type="checkbox"/> attorney or agent of record.</div> <div style="margin-left: 40px; margin-top: 5px;"><input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) <u>51,140</u></div>		

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Application Number	10/019,100	
	Filing Date	June 24, 1999	
	First Named Inventor	Zahir Saidi	
	Group Art Unit	NYA	
	Examiner Name	NYA	
Total Number of Pages in This Submission	14	Attorney Docket Number	P24,800-A-USA

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Christopher P. Dahling	Reg. No. 51,140
Signature	Christopher P. Dahling	
Date	8/19/03	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: August 19, 2003.			
Typed or printed name	Christopher P. Dahling		
Signature	Christopher P. Dahling	Date	8/19/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$2,100.00

Complete if Known

Application Number 10/019,100
Filing Date June 24, 1999
First Named Inventor Zahir Saidi
Examiner Name NYA
Group Art Unit NYA
Attorney Docket No. P24,800 A USA

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 19-5425

Deposit Account Name Synnestvedt & Lechner

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	2001	750	375	Utility filing fee	
1002	2002	330	165	Design filing	
1003	2003	520	260	Plant filing fee	
1004	2004	750	375	Reissue filing	
1005	2005	160	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** = 0	X	0.00
Multiple Dependent	-3** = 0	X	0.00

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	2202	18	9	Claims in excess of 20	
1201	2201	84	42	Independent claims in excess of 3	
1203	2203	280	140	Multiple dependent claim, if not paid	
1204	2204	84	42	** Reissue independent claims over original patent	
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	2051	130	65	Surcharge - late filing fee or oath	130.00
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet	
1053	2053	130	65	Non - English specification	
1812	2520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	2251	110	55	Extension for reply within first month	
1252	2252	410	205	Extension for reply within second month	
1253	2253	930	465	Extension for reply within third month	
1254	2254	1,450	725	Extension for reply within fourth month	
1255	2255	1,970	985	Extension for reply within fifth month	1,970.00
1401	2401	320	160	Notice of Appeal	
1402	2402	320	160	Filing a brief in support of an appeal	
1403	2403	280	140	Request for oral hearing	
1451	2451	1,510	1,510	Petition to institute a public use proceeding	
1452	2452	110	55	Petition to revive - unavoidable	
1453	2453	1,300	650	Petition to revive - unintentional	
1501	2501	1,300	650	Utility issue fee (or reissue)	
1502	2502	470	235	Design issue fee	
1503	2503	630	315	Plant issue fee	
1460	2460	130	130	Petitions to the Commissioner	
1807	2807	50	50	Processing fee under 37 CFR § 1.17(q)	
1806	2806	180	180	Submission of Information Disclosure Statement	
8021	28021	40	40	Recording each patent assignment per property (times number of properties)	
1809	2809	750	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	2810	750	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	2801	750	375	Request for Continued Examination (RCE)	
1802	2802	900	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$2,100.00

SUBMITTED BY

Name (Print/Type) Christopher P. Dahling

Registration No. (Attorney/Agent) 51,140

Complete (if applicable)

Telephone (215) 923-4466

Signature

Christopher P. Dahling

Date

8/19/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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